



State of Vermont
Vermont Department of Education
120 State Street
Montpelier, VT 05620-2501

2008 Legislative Summary

Vermont Department of Education

The following is a review of the education-related bills passed during the second year of this biennial session. We have included information that affects both the Department of Education and the education field in general. Further information regarding implementation on specific requirements will be provided under separate cover.

To read the full text of an act, click on the underlined titles below. For general questions about the content of this summary, please contact General Counsel Mark Oettinger at mark.oettinger@state.vt.us or (802) 828-3135. For more information on the Vermont Legislature, visit <http://www.leg.state.vt.us/>.

ACT 132: AN ACT RELATING TO ENSURING QUALITY IN PREKINDERGARTEN EDUCATION PROGRAMS OFFERED BY OR THROUGH SCHOOL DISTRICTS (H.884)

Act 132 supplements Act 62 of 2007 dealing with preKindergarten (preK) education. It clarifies that the legislation applies to both district-operated pre-k programs, and to programs that are offered through districts by means of contracts with private providers. Act 132 extends the effective dates of certain portions of the Act 62 to give pre-k programs more time to comply with the new, more stringent, quality standards. Specifically, it presumes, for the 2008-2009 school year only, that all existing programs qualify for a three-star rating under the Department for Children and Families' STARS quality measurement system. Furthermore, it gives those programs until the beginning of the 2009-2010 school year to achieve full compliance with the rules regarding child development assessments, and with the rules regarding the procedures for negotiating and establishing contracts between districts and private providers. Act 132 also modestly expands the options which a district will have in establishing the number of pre-k students who may be included in the district's average daily membership (ADM) count.

Contact manuela.fonseca@state.vt.us.

ACT 138: AN ACT RELATING TO REQUIRING ANNUAL FIRE SAFETY INSPECTIONS FOR APPROVED INDEPENDENT RESIDENTIAL SCHOOLS (H.809)

Act 138 amends 16 V.S.A. § 166. The Act requires each approved independent residential school to undergo an annual fire safety inspection, to post the resulting certificate of approval in a public location at the school, and to send a copy of the certificate of approval to the Department of Education. Contact mark.oettinger@state.vt.us.

ACT 154: AN ACT RELATING TO AGRICULTURAL, FORESTRY, AND HORTICULTURAL EDUCATION; ANIMAL DISSECTION; THE REPEAL OF BURDENSOME REPORTS; STREAMLINING THE FORMATION OF UNION DISTRICTS; DISTRICTS THAT PAY TUITION FOR ALL STUDENTS; AND OTHER CHANGES TO EDUCATION LAW (H.711)

Act 154 combines several education-related issues. It eliminates a number of reports which were previously required of districts, thereby easing that burden on districts. The Act also places a one-year moratorium on special education audits, and puts in place a study of how to improve the efficiency of that process. Further, it clarifies and quantifies the manner in which teachers and teacher candidates are to receive training in alcohol and drug abuse prevention pedagogy. It also clarifies some of the processes which are involved in the creation and dissolution of union school districts. Another feature of the Act is that it removes the high spending penalty from towns which have extremely limited control over their tuition costs because they do not operate schools, and therefore are forced to tuition all of their students to schools in other districts. It allows students to opt out of assignments involving dissection, and it requires a study of the need for, and implementation of, agricultural, forestry and horticultural education in secondary schools. Section 37 charges the commissioner of education to study and propose alternative methods by which school districts can support secondary students who are in danger of dropping out of high school. Contact mark.oettinger@state.vt.us.

ACT 164: AN ACT RELATING TO THE STATE'S TRANSPORTATION PROGRAM (H.889)

Sec. 49: "School Bus Exemption For School Employees & Volunteers"¹

23 V.S.A. § 4(34)(A)(iv) was amended to permit a school employee or a volunteer to transport up to five people in a vehicle without the need for a school bus endorsement on their operator's license. These individuals are still subject to criminal background checks, and must be cleared by the school, prior to operating any vehicle in this capacity. In these instances, the vehicle used to transport these individuals is not required to display a light system which would identify it as a school bus. This change applies only to vehicles with a manufacturer's rated seating capacity of fewer than 11 persons. Contact lindsay.townsend@state.vt.us.

ACT 174: AN ACT RELATING TO DOMESTIC VIOLENCE (S.357)

Act 174, sec. 14 creates the Vermont Council on Domestic Violence. The Department of Education commissioner, or a designee, is a member of the council which shall meet at least quarterly. The Act also establishes a committee to study the issue of harassment and bullying in Vermont schools. The Vermont Department of Education must appoint one member to the committee. The first meeting shall be convened no later than September 1, 2008. Committee findings shall be reported to the Senate and House committees on judiciary and education no later than December 15, 2008. Contact barbara.crippen@state.vt.us.

ACT 175: PERMITTING STUDENTS TO POSSESS AND SELF-ADMINISTER EMERGENCY MEDICATION (H.748)

Act 175 adds §1387 to Chapter 31 of Title 16. The Act requires each public and approved independent school to permit students with life-threatening allergies, or with asthma, to possess and self-administer emergency medication at school, on school grounds, at school-sponsored activities, on school-provided transportation, and during school-related programs. Related safeguards include written authorization for the student to possess the medication from the

¹ This summary of Act 164, Sec. 9, was prepared by the Department of Motor Vehicles.

student's parent or guardian, and written documentation from the student's physician stating the reasons for the necessity. The student's parent or guardian must also develop a plan of action with the school nurse or designated health care staff at the school in each school year for which the possession and self-administration of emergency medication is requested. A public school district or approved independent school may adopt policies for medical conditions other than asthma and life-threatening allergies. Contact shevonne.travers@state.vt.us.

ACT 182: AN ACT RELATING TO ECONOMIC DEVELOPMENT AND WORKFORCE DEVELOPMENT (H.885)

Act 182 includes charges to the Commission on the Future of Economic Development. It calls for the Department of Labor and the Agency of Commerce to develop a set of acceptable employment measures, it requires a unified economic development budget, and a study of the environmental technology sector and modifies the Workforce Education and Training Fund requirements. It also requires the commissioner of Education to submit a written report to the Senate Committee on Economic Development, Housing and General Affairs, the House Committee on Commerce, and the Senate and House Committees on Education, detailing the results of various aspects of the delivery of Adult Education, and Workforce Education and Training. Some of the areas that the commissioner must study include the current methods by which tuition is paid for students enrolled in secondary schools to attend regional technical center programs; potential solutions to barriers facing secondary students who want to attend technical centers; current methods of funding for adults attending technical centers, with and without a high school diploma; potential financial and other incentives to offering technical education programs at times other than the regular school day and academic year; the positive and negative aspects of including in the definition of "pupil" for purposes of determining a district's ADM, all adult students with a high school diplomas who are attending tech center programs. Contact david.white@state.vt.us.

ACT 185: AN ACT RELATING TO JUVENILE JUDICIAL PROCEEDINGS (H.615)

The education-specific section of the Act is found in 33 V.S.A. § 5118, which is added by the Act to Chapter 51 of Title 33. This section deals with records of juveniles maintained by the family court. Those records are confidential. However, a court which determines that a child has committed a delinquent act requiring notice shall, within seven days of such determinations, provide written notice to the superintendent of schools for the public school in which the child is enrolled or, in the event the child is enrolled in an independent school, the school's headmaster. The records, once in the possession of the school, must be treated as highly sensitive, and disclosed only to those with a legitimate need to see them. Contact mark.oettinger@state.vt.us.

ACT 192: AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF GOVERNMENT (H.891)

Act 192 makes certain education-related appropriations, and certain changes to Title 16. See Attachment #1 for a review of each education-related appropriation item and specific contact information.

ACT 200: AN ACT RELATING TO CAPITAL CONSTRUCTION AND STATE BONDING (S. 365)

Section 8 of Act 200 appropriates \$10,000,000 for school construction aid, \$6,750 for a roof project at the Walden School, and \$50,000 for grants which are to be awarded under a new school energy grant program, which is established as a pilot program to pay the costs of conducting comprehensive energy analyses of school buildings. Section 43 dictates that no

performance bond shall be required if the total estimated cost of a school construction project is less than \$50,000.

Sec. 45 of Act 200 continues a suspension of state aid for school construction, which originated with Act 52 of 2007. The commissioner of Education and the commissioner of Finance and Management are charged with making recommendations for a sustainable plan for state aid to fund school construction. In the absence of a viable plan for funding school construction, the Act extends the period of suspension until a plan is developed and adopted. A district can declare its intent to pay for the cost of a school construction project without state aid pursuant to Ch. 123 of Title 16. The Education commissioner shall review the project as a preliminary application upon the district's request. Sec. 46 of Act 200 requires the commissioner of Education to reimburse the Richford Town School District for an additional \$35,000.00 beyond the aid to which it is otherwise entitled for its biomass project when funds are available. Contact cathy.hilgendorf@state.vt.us.

ACT 203: AN ACT RELATING TO HEALTH CARE REFORM (H.887)

Sec. 15 of Act 203 requires the commissioner of Education, in collaboration with the commissioner of Health, and the secretary of Agriculture, Food, and Markets, and the secretary of Transportation, to compile an inventory of all programs both inside and outside the agencies and departments that award grants or similar funding that provide technical assistance to supervisory unions and school districts to address issues such as nutrition and physical activity for students and staff, obesity, tobacco use, and substance abuse. There shall also be recommendations made on how state agencies and other state funding sources may improve coordination of grant awards and technical assistance for school health initiatives. The inventory and recommendations must be submitted to the Senate Committees on Health and Welfare and on Education, and the House Committees on Health Care, on Human Services, and on Education, and must be made available on the Internet for review by towns and school districts, no later than January 15, 2009. Section 16 charges the commissioners of education and of health, and the secretary of agriculture, food and markets, to update the current Vermont nutrition policy guidelines which are applicable to competitive foods and beverages which are sold outside the school nutrition programs. They shall report to the House Committees on Agriculture, Education Health Care, and Human Services and to the Senate Committees on Health and Welfare, and Education on the number of school districts that have and have not adopted a nutrition policy that is substantially the same as the Vermont guidelines. Contact shevonne.travers@state.vt.us.

Attachment #1

ACT 192: AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF GOVERNMENT (H.891)

Act 192 makes certain education-related appropriations, and certain changes to Title 16:

Sec. 2.802. FISCAL YEAR 2009 ONE-TIME APPROPRIATIONS

(a) In fiscal year 2009, the following amounts are appropriated from the general fund:

(4) to the department of education, for science assessments: \$300,000. Contact gail.taylor@state.vt.us.

Sec. 5.223. Disabilities, aging, and independent living – advocacy and independent living (Sec. 2.236, #3460020000)

(e) The commissioner of the department of disabilities, aging, and independent living shall work with the commissioner of the department of education to track the number of anticipated June graduates over a four year period. The intent is that through this tracking system the administration and the general assembly will have information needed to anticipate annual funding requirements well in advance of the time funding needs to be made available. Additionally, the commissioners shall work to find ways to improve the transition of the June graduates from high school to the June Grad program. In the submission of the developmental services program budget for fiscal year 2010, the department shall include a summary of the June Grad program that provides information on the number of individual served, the scope, length, annual cost of services provided, and information on if and how individuals in the June graduate program transition from this program to self sufficiency or alternate support programs.* Contact karin.edwards@state.vt.us.

*There does not appear to be a direct appropriation of monies to the DOE as a result of this section of the Act.

Sec. 5.302. Education – finance and administration (Sec. 2.305, #5100010000)

(b) The commissioner of education, the Vermont league of cities and towns, the Vermont superintendents association, the Vermont school boards association, the Vermont principals' association, and the Vermont national education association jointly shall develop a detailed plan to create an incentive fund to distribute grants, low-interest loans, no-interest loans, or any combination of the three to encourage collaborative initiatives among school districts, supervisory unions, and local governmental entities that will result in property tax savings. They shall present the plan to the house and senate committees on education, the house committee on ways and means, and the senate committee on finance on or before January 15, 2009.* Contact bill.talbott@state.vt.us.

* There does not appear to be a direct appropriation of monies to the DOE as a result of this section of the Act.

Sec. 5.303. Education – special education: formula grants (Sec. 2.307, #5100040000)

(a) Of the appropriation authorized in this section, and notwithstanding any other provision of law, an amount not to exceed \$3,300,654 shall be used by the department of education in fiscal year 2009 as funding for 16 V.S.A. § 2967(b)(2)-(6). In addition to funding for 16 V.S.A. § 2967(b)(2)-(6), up to \$169,061 may be used by the department of education for its participation in the higher education partnership plan. Contact karin.edwards@state.vt.us.

Sec. 5.304. Education – state-placed students (Sec. 2.308, #5100050000)

(a) The independence place program of the Lund Family Center shall be considered a 24-hour residential program for the purposes of reimbursement of education costs.* Contact karin.edwards@state.vt.us.

* There does not appear to be a direct appropriation of monies to the DOE as a result of this section of the Act.

Sec. 5.304.1. PREGNANT AND PARENTING PUPILS ATTENDING TEEN PARENT EDUCATION PROGRAMS

(a) Subject to the provisions of subsection (b) of this section, a school district of residence shall make the following payments for a publicly funded pregnant or parenting pupil attending a teen parent education program:

(1) The school district shall pay the teen parent education program 83 percent of the prior year's statewide average net cost per pupil, as calculated under 16 V.S.A. § 825 minus debt service, prorated based on the pupil's full-time equivalent enrollment, as defined by state board rule, in academic courses at the teen parent education program.

(2) If the district of residence does not maintain a school, the otherwise qualified pregnant or parenting pupil may enroll in any public school or approved independent school (the "enrolling school") in which any other legal pupil in the district of residence may enroll at public expense. In this situation, the district of residence shall reimburse the enrolling school for coordinating the pregnant or parenting pupil's education plan at the teen parent education program and for planning and facilitating the pupil's subsequent education plan and transition to the enrolling school, at a rate of 17 percent of the prior year's statewide average net cost per pupil, as calculated under 16 V.S.A.

§ 825 minus debt service, prorated, for the year in which the pupil attends the teen parent education program.

(b)(1) The pregnant or parenting pupil must be enrolled in a school maintained by the school district of residence or, if the district does not maintain a school, enrolled at a public school or an approved independent school at the district's expense.

(2) The teen parent education program must be recognized by the department for children and families.

(3) As determined by the district of residence or by the enrolling school if the district does not maintain a school, the pupil must be taking academic courses at the teen parent education program that are the substantial equivalent of the courses required by the district of residence or enrolling school, as applicable, to obtain a high school diploma. The sending district or enrolling school, as applicable, will collaborate with the teen parent education program regarding the pupil's programs and progress.

(4) In the event of a dispute, the pupil, the teen parent education program, the district of residence, or the enrolling school may request a ruling from the commissioner of education which shall be final. Contact kerry.garber@state.vt.us.

Sec. 5.304.2. APPROVED TEEN PARENT EDUCATION PROGRAMS

(a) It is the intent of the general assembly that, after June 30, 2010, any education funds paid to teen parent education programs for educational services provided to pregnant or parenting teens shall be available only to those programs that the state board of education has determined to be "approved education programs" under Title 16. Contact kerry.garber@state.vt.us.

Sec. 5.305. Education – adult education and literacy (Sec. 2.309, #5100060000)

(a) Of this appropriation, the amount from the education fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 1049a(c). Contact tom.alderman@state.vt.us.

Sec. 5.307. Education – No. 117 of the Acts of 2000 – cost containment (Sec. 2.317, #5100310000)

(a) Notwithstanding any provisions of law, expenditures made from this section shall be counted under 16 V.S.A. § 2967(b) as part of the state's 60 percent of the statewide total special education expenditures of funds which are not derived from federal sources. Contact karin.edwards@state.vt.us.

Sec. 5.801. FISCAL YEAR 2009 NEXT GENERATION FUND ALLOCATIONS (Sec. 2.801)

(a) The \$8,000,000 appropriated in Sec. 2.801(a)(1) of this act from the next generation initiative fund, created in 16 V.S.A. § 2887, shall be as follows:

(1) Workforce development \$3,450,000 as follows:

(A) Workforce Education Training Fund (WETF). The sum of \$1,550,000 is appropriated to the Vermont workforce education and training fund, which is administered by the department of labor, for workforce development. Up to seven percent (7%) of the funds may be used for administration of the program.

(B) Vermont Training Program. The sum of \$750,000 is appropriated to the agency of commerce and community development. This appropriation is for the Vermont training program for the issuance of grants pursuant to 10 V.S.A. § 531.

(C) Career and Alternative Workforce Education. The amount of \$450,000 is appropriated to the department of labor. This appropriation shall be to support out-of-school youth, youth at risk, and youth at risk of remaining unemployed with outcomes that lead to employment or continued education as follows:

(i) Forty-five percent (45%) shall be for grants to regional technical centers, comprehensive high schools, and other programs for career exploration programs for students entering grades 7 through 12.

(ii) Fifty-five percent (55%) shall be for grants to regional technical centers, comprehensive high schools, the community high school of Vermont, and non-profit organizations, designated by the workforce development council, for alternative and intensive vocational/academic programs for secondary students in order to earn necessary credits toward graduation.

(D) Adult Technical Education Programs. The amount of \$450,000 is appropriated to the department of labor, working with the workforce development council. This appropriation is for the purpose of awarding grants to regional technical centers and comprehensive high schools to provide adult technical education, as that term is defined in 16 V.S.A. § 1522, to unemployed and underemployed Vermont adults. Contact allen.evans@state.vt.us.

Sec. 6.004.1. 16 V.S.A. § 1565 is amended to read:

§ 1565. SALARY ASSISTANCE

(a) The state board shall reimburse a school district operating a technical center for a portion of its cost in paying the salary of the following persons:

(1) the director of technical education;

(2) a person whose principal duty is to provide guidance services for technical students;

(3) a person whose principal duty is to find job training opportunities for students during the time they are enrolled at the technical center;

- (4) an assistant director for adult education;
 - (5) an assistant director of technical education, if the technical center has full-time equivalent enrollment of at least 150 and the sending school population is at least 30 percent of the technical center's total full-time equivalent enrollment.
- (b) Assistance under this section shall be determined by a formula and standards established by rule of the state board. The formula and those standards:
- (1) shall provide different levels of support for different positions as follows:
 - (A) Directors and guidance coordinators' salary assistance shall be 50 percent of the state average salary and benefits for each position, or 50 percent of the actual salary and benefits for each individual, whichever is less;
 - (B) Assistant directors, except for assistant directors for adult education, if the district is eligible, and co-op teachers' salary assistance shall be 35 percent of the state average salary and benefits for each position, or 35 percent of the actual salary and benefits for each individual, whichever is less;
 - (C) Salary assistance for assistant directors for adult education shall be up to 50 percent of the state average salary and benefits paid to full-time assistant directors for adult education; salary assistance shall be prorated for part-time assistant directors. Salary assistance under this subdivision (1)(C) shall not be paid from the education fund to the extent that the obligation is not fully funded from the general fund. State general fund assistance shall be divided so that each district employing an assistant director receives the same base amount of state salary support. The base support shall be pro-rated for part-time assistant directors. Payment under this subsection does not preclude a district from using other state and federal grants to supplement the actual salaries and benefits of assistant directors for adult education. Contact david.white@state.vt.us.

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Sec. 6.004.2. INTENT; TRANSITIONAL PROVISION

- (a) Nothing in Sec. 6.004 or 6.004.1 of this act shall be construed to prohibit a technical center from hiring both an assistant director of technical education and an assistant director for adult education or to reduce salary assistance for other technical center positions.
- (b) Any person employed as an adult service coordinator on the effective date of this act shall assume the position, title, benefits and responsibilities of assistant director of adult education. Contact david.white@state.vt.us.

Sec. 6.027. 16 V.S.A. § 1262a(c) is added to read:

- (c) On a quarterly basis, from state funds appropriated to the department of education for this subsection, the state board shall award to each school district a sum equal to the amount that would have been the student share of the cost of all breakfasts actually provided in the district during the previous quarter to students eligible for a reduced price breakfast under the federal school breakfast program. Contact josephine.busha@state.vt.us.

Sec. 6.028. 16 V.S.A. § 1264 is amended to read: § 1264. FOOD PROGRAM

- (a) Each school board actually operating a public school shall cause to operate within the school district a food program which makes available a school lunch, as provided in the National School Lunch Act as amended, and a school breakfast, as provided in the National Child Nutrition Act as amended, to each attending pupil every school day. In the event of an emergency, the school board may apply to the department for a temporary waiver of this daily operating requirement. The commissioner shall grant the requested waiver if he or she finds that it is unduly difficult for the school district to serve a school lunch or breakfast, or both, and if he or she finds that the

school district has exercised due diligence in its efforts to avoid the emergency situation which gives rise to the need for the requested waiver. In no event shall the waiver extend for a period to exceed 20 school days.

(b) The state shall be responsible for the student share of the cost of breakfasts provided to all students eligible for a reduced price breakfast under the federal school breakfast program.

Contact josephine.busha@state.vt.us.

Sec. 6.029. 16 V.S.A. § 835 is amended to read:

§ 835. LEMINGTON, BLOOMFIELD, BRUNSWICK, MAIDSTONE, GRANBY, AND GUILDHALL; TUITIONING OF ELEMENTARY STUDENTS

The Lemington, Bloomfield, Brunswick, Granby, Guildhall, and Maidstone school districts may provide for the elementary education of the pupils residing in their districts by paying tuition to public elementary schools in the state of New Hampshire. Notwithstanding the provisions of section 823 of this title, school districts affected by this section shall pay the full tuition charged by a public elementary school in New Hampshire. Contact brad.james@state.vt.us.

Sec. 6.030. 28 V.S.A. § 120(c) is amended to read:

(c) Program supervision. The commissioner of corrections shall appoint an education supervisor, who shall be licensed as an administrator under 16 V.S.A. chapter 51, to supervise the community high school of Vermont and coordinate use of other education programs by persons under the supervision of the commissioner. Contact mark.oettinger@state.vt.us.